

**APPENDIX**

**CONFLICT OF INTEREST CODE**

**OF THE**

**SOUTH BAY IRRIGATION DISTRICT**

**(Amended November 20, 2006)**

**EXHIBIT "A"**

**OFFICIALS WHO MANAGE PUBLIC INVESTMENTS**

All District Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to the District's Code, but are subject to the disclosure requirements of the Act. (Government Code Section 87200 et seq.). [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments<sup>4</sup>:

Members of the Board of Directors

General Manager

Treasurer

Deputy Treasurer

Treasurer Delegatee

Financial Consultant

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<sup>4</sup> Individuals holding one of the above-listed positions may contact the FPPC for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPC makes the final determination whether a position is covered by § 87200.

## DESIGNATED POSITIONS

### GOVERNED BY THE CONFLICT OF INTEREST CODE

| <u>DESIGNATED EMPLOYEES'</u><br><u>TITLE OR FUNCTION</u> | <u>DISCLOSURE CATEGORIES</u><br><u>ASSIGNED</u> |
|----------------------------------------------------------|-------------------------------------------------|
| General Counsel                                          | 1, 2                                            |
| Operations Manager                                       | 3, 6                                            |
| Consultant <sup>5</sup>                                  |                                                 |

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<sup>5</sup> Consultants shall be included in the list of Designated Employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The General Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this Section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

## **EXHIBIT "B"**

### **DISCLOSURE CATEGORIES**

The disclosure categories listed below identify the types of investments, business entities, sources of income, including gifts, loans and travel payments, or real property which the Designated Employee must disclose for each disclosure category to which he or she is assigned.

Category 1: All investments and business positions in business entities, and sources of income, that are located in, do business in or own real property within the jurisdiction of the District.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the District.

Category 3: All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District.

Category 4: All investments and business positions in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.

Category 5: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 6: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee's Department.

**RESOLUTION NO. 570**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
SOUTH BAY IRRIGATION DISTRICT  
AMENDING THE APPENDIX OF THE CONFLICT OF INTEREST CODE  
PURSUANT TO THE POLITICAL REFORM ACT OF 1974**

**WHEREAS**, the Legislature of the State of California enacted the Political Reform Act of 1974, Government Code Section 81000 et seq. (the "Act"), which contains provisions relating to conflicts of interest which potentially affect all officers, employees and consultants of South Bay Irrigation District (the "District") and requires all public agencies to adopt and promulgate a conflict of interest code; and

**WHEREAS**, the Board of Directors adopted a Conflict of Interest Code (the "Code") which was amended on December 21, 1998, in compliance with the Act; and

**WHEREAS**, subsequent changed circumstances within the District have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update the Appendix of the District's Code; and

**WHEREAS**, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in the District being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

**WHEREAS**, notice of the time and place of a public meeting on, and of consideration by the Board of Directors of the proposed amended Appendix was provided to each affected designated employee and publicly posted for review at the offices of the District; and

**WHEREAS**, a public meeting was held upon the proposed amended Appendix at a regular meeting of the Board of Directors on November 20, 2006, at which all present were given an opportunity to be heard on the proposed amended Appendix.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Directors of the South Bay Irrigation District that the Board of Directors does hereby adopt the proposed amended Appendix of the Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the Board Secretary and available to the public for inspection and copying;

**RESOLUTION NO. 570**

**BE IT FURTHER RESOLVED** that the said amended Appendix shall be submitted to the Board of Supervisors of the County of San Diego for approval and said Appendix shall become effective 30 days after the Board of Supervisors of the County of San Diego for approval and said Appendix shall become effective 30 days after the Board of Supervisors approves the proposed amended Appendix as submitted.

**PASSED AND ADOPTED** at a regular meeting of the Board of Directors of South Bay Irrigation District held on the 20<sup>th</sup> day of November, 2006, by the following vote:

|          |                                                |
|----------|------------------------------------------------|
| AYES:    | Directors Alkire, Doud, Pocklington, and Salas |
| NOES:    | None                                           |
| ABSENT:  | Director Welsh                                 |
| ABSTAIN: | None                                           |

  
James C. Alkire, President

ATTEST:

  
Rita Schoonderwoerd, Board Secretary